

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

TINA PACHECO	:x	
	:	
	:	Civ. No. 3:10CV00464 (AWT)
	:	
v.	:	
	:	
JOSEPH MCMAHON CORPORATION	:	JULY 16, 2015
d/b/a UNITED OBLIGATIONS	:	
	:	
	:	
	:x	

**ORDER RE: HEARING JULY 20, 2015**

This case was referred to the undersigned for a ruling on plaintiff's Motion to Compel Post-Judgment discovery on April 7, 2015. [Doc. ##94, 97]

In light of the death of defendant's prior counsel, [Doc. #96], this Court entered an order on April 8, 2015, directing the corporate defendant to retain new counsel, file an appearance by May 7, 2015, and a response to plaintiff's Motion to Compel by May 21, 2015. [Doc. #98] Notice of that order was mailed to Attorney John Mager and to the Estate of Matthew Corcoran.<sup>1</sup> Plaintiff's Motion to Compel Post-Judgment Discovery Responses was granted on May 26, 2015. [Doc. #99]

Plaintiff then moved for an order directing Marilyn Miller, President and CEO of the corporate defendant, Joseph McMahon

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<sup>1</sup>Attorney Matthew Corcoran passed away in December 2014. Attorney John Mager was appointed by the Probate Court to administer the Estate of Attorney Matthew Corcoran. See Aff. Paul Miller, Doc. #96.

Corporation d/b/a United Obligations, to show cause why she should not be found in civil contempt for failure to comply with this Court's Order dated May 26, 2015 [Doc. #99], to respond to post-judgment discovery, and for failure to appear, and further seeks the issuance of a Form AO 442 Arrest Warrant. [Doc. #100]

On July 2, 2015, the Court ordered that Marilyn Miller appear personally before the Court for a hearing on July 20, 2015, to show cause why defendant should not found in contempt of this Court for failure to respond to the Court's April 8, 2015, and May 26, 2015, Orders. [Doc. #102] In that order, the Court explicitly advised all parties that if Ms. Miller failed to appear, the Court could issue a *capias*, that is, an order to the U.S. Marshal to take her into custody and bring her before the Court.

The Court made exceptional efforts to ensure that the defendant was aware of the order. The Court sent copies of the order by certified mail to a number of individuals listed on the corporate records as agents for the defendant corporation. In particular, the Court mailed a copy of the order to Marilyn Miller at 1080 Hill Terrace, Southport, CT, 06890, which official property records show to be owned by Marilyn Miller.

Ms. Miller and Paul Miller have contacted the Court by letter, email and phone, arguing that the Court's order setting a hearing for July 20, 2015, is unlawful because the "defendant

was dissolved by Connecticut Statute.” [Doc. #106 at 1] That letter, which has been docketed by the Court,<sup>3</sup> attaches a discharge from the Bankruptcy Court for debtors Paul Miller and Marilyn Miller. The letter further attaches documents purporting to show that the defendant has complied with the post-judgment discovery requests served by the plaintiff.

The Court notes that the petition filed by Paul and Marilyn Miller in the United States Bankruptcy Court states explicitly that it is filed on behalf of “individual” debtors, not on behalf of a corporation. See In re Miller, Case No. 11-51883, Doc. #2, at 1 (U.S. Bkptcy. D. Conn., Sept. 19, 2011). Contrary to Mr. and Ms. Miller’s claims, the corporation appears to be in active operation. Its website includes blog posts as recent as July 7, 2015, posted under the name Marilyn Miller.<sup>4</sup> The website provides that the “Connecticut Office” is located at 1771 Post Road East, Suite 150, Westport, CT, 06880. Furthermore, Mr. Miller has persisted in communicating with Court staff from an email at the domain name “@unitedobligations.com” and his email signature reveals that he

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<sup>3</sup> The Court has elected to docket the letter in question because it shows that Marilyn Miller, who has been ordered to appear personally before the Court on July 20, 2015, has actual notice of that hearing. [Doc. #106] The attachments not related to the issue of notice have been filed under seal.

<sup>4</sup> See <http://info.unitedobligations.com/blog/top-5-debt-collection-mistakes-small-business-owners-make>

remains an active representative of United Obligations; indeed, the company's website names him as its "principal."

A judgment has been entered against United Obligations LLC by this Court. **The Court has repeatedly directed United Obligations to retain counsel to appear on its behalf so that the Court may adjudicate remaining issues in this case.** United Obligations has refused to do so. The Court has therefore required the Managing Member of the corporation to appear personally before the Court to answer for this failing and to attempt to address the matter.

It is ORDERED that this order be delivered by United States Mail, first class, to: Marilyn Miller as President/Director of Joseph McMahon Corporation and as Managing Member of United Obligations LLC, at 1080 Mill Hill Terrace, Southport, CT, 06890; and United Obligations LLC's Connecticut Office at 1771 Post Road East, Suite 150, Westport, CT, 06880.

SO ORDERED at New Haven this 16th day of July 2015.

/s/  
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HON. SARAH A. L. MERRIAM  
UNITED STATES MAGISTRATE JUDGE